

COMMENT & FEATURES

THE JERUSALEM POST • SUNDAY, JULY 13, 2014

THE JERUSALEM POST

Founded in 1932 by GERSHON AGRON

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Spy vs Spy

Germany, and along with it, other countries especially friendly to the US, are reeling following revelations that the CIA bought classified material from a German intelligence official. Not to beat around the bush, the US spied on an allied nation via a citizen with access to classified material of said allied nation.

That is exactly what America bitterly accused Israel of having done in the Pollard case. The one fundamental significant difference is that Israel, unlike the US, is a small, exceptionally vulnerable nation that relied on Jonathan Pollard to gather information about Iraqi WMDs at the peak of Saddam Hussein's power.

The Americans pledged time and again to relay this data to Israel, but they consistently failed to live up their undertakings. This material could have been make or break for Israel.

No such extenuating circumstances exist for the current American administration's fixation on uncovering its allies' secrets, especially those of the uber-loyal Germans.

Yet this same administration continues to oppose Pollard's release, even after 30 years behind bars – a punishment that far exceeds the sentences meted out to many other spies for US allies.

In characteristic understatement, German Chancellor Angela Merkel said that “if the allegations are true, it would be for me a clear contradiction as to what I consider to be trusting cooperation between agencies and partners.”

This of course is one more strain on an already troubled relationship, which has been exacerbated by revelations that the National Security Agency eavesdropped on millions of German citizens, including Merkel, via her private cellphone.

Moreover, this brazen snooping reportedly did not cease even after the embarrassing disclosures and US President Barack's Obama's explicit promises to respect fellow leaders. This failure appears to indicate disrespect for the democratic institutions of others.

Berlin assiduously worked to whitewash the serial breach of trust by US intelligence gatherers who targeted Germany. But its self-restraint was not rewarded.

This show of disdain for America's steadfast partners, unlikely to be limited to Germany, most probably extends to Israel, a less popular satellite in Washington orbit. It would be naive to assume there is no American intelligence activity in Israel.

This latest problem points to a disturbing pattern. It is as if the US arrogates to itself rights it refuses to countenance for others – even for fellow democracies like tiny Israel, threatened and beleaguered in the midst of vast, turbulent, Arab/Muslim seas.

An Obama administration that claimed to have rejected old notions of American exceptionalism, and with that, unique rights to play by different rules, appears to behave no better than its predecessors.

Obama's former secretary of state Hillary Clinton said so outright in a recent interview with *Der Spiegel*. Candidly admitting that Washington would never relinquish spying on allies, Clinton said: “The US will never sign a no-spy agreement, as demanded by Germany, with any countries, not with you, not with Britain or Canada.”

This paints an unpalatable picture of America's ongoing refusal to forgive Pollard's old sins – sins of the same sort America disingenuously commits with alacrity to this very day.

We are faced with a reality in which the leader of the free world tells the rest of the free world that it places itself in a different category, a superior one, and reserves for itself practices that it high-handedly denies to others.

Beyond this hypocrisy, Pollard's life-term for transferring classified material to an ally is unprecedented. The sentence selectively imposed on Pollard was scandalous from the outset, disproportionate in the extreme, considering that he never put American agents or interests at risk or divulged any America secrets. Israel instead alerted a democratic partner to the machinations of enemies of America which were also its enemies.

It is difficult to escape the impression that Pollard is over-punished only because of his Jewishness. It is time to end this travesty of justice.

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Telephone 03-761-9000, Fax 03-561-0777.
• SUBSCRIPTIONS E-MAIL subs@jpost.com
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TANKS WAIT in a field near the Gaza border last week. (Reuters)

FOR ZION'S SAKE

• By DANIEL TAUBER



With the launch of Operation Protective Edge the IDF is striking a growing number of targets in Gaza and has begun calling up thousands of reservists. The government authorized the army to call up 40,000 total reservists while the prime minister reportedly instructed the IDF to be ready “to go to the end.”

Yet Protective Edge has also been described as having limited goals, making it similar to its predecessors, Pillar of Defense and Cast Lead.

Before Operation Protective Edge began, IDF officials told the media that the message to Hamas was that “quiet will be answered with quiet.”

The morning after the IDF inaugurated Protective Edge by striking 50 targets during the night, the IDF's declared its goal remained the same. “The message to Hamas is clear – a cease-fire without any conditions,” IDF Spokesperson Brig.-Gen. Moti Almoz told Israel's Channel Two, adding, “This is an operation with clear goals and exit points.”

Even the prime minister, who announced on Wednesday that Protective Edge will be expanded, stated that the “operation will continue until the firing [of rockets] on our population has ceased and the quiet returns.”

In other words, Israel will yet again “mow the lawn” or “cut the grass” in Gaza, but it will not root out the weeds or “go to the end.”

When the operation ends, Hamas will remain standing and in control of its terror state.

The murders of Naftali Fraenkel, Gilad Shaer and Eyal Yifrah, as well as that of Baruch Mizrahi, all by members of Hamas, and the terror inflicted on the residents of the south will be forgotten.

And when the grass grows too long, the “code red” siren sounds will be heard throughout the south again, and more Israeli citizens will be murdered, and

another operation will be required.

If Israel does not go the distance now, as it failed to do in the past, it will in large part be because many seem to believe that Hamas is not an organization made up of mere mortals, which rises and declines based on a variety of military, political and other temporal factors. Instead, Hamas is seen as a kind of spiritual, ideological or populist force which can never be defeated. Even if it could, the cost would be too high.

The cycle of “no peace, no war” is all anyone can hope for under that scenario.

Indeed, Hamas is a formidable organization. Hamas's total strength in an emergency scenario – including its military wing, Izzadin Kassam, its police and other forces – has been estimated at 15,000-16,000 fighters. There are also several thousand other Islamic extremists operating in Gaza who might reinforce Hamas's numbers.

THE IDF estimates that Hamas possesses a stockpile of 10,000 rockets, which are now being used against Israel. Hamas has not only embedded itself within the densely packed population of Gaza, but has come to rule it, making it well situated to wage asymmetric warfare.

But there are good reasons to doubt Hamas's strength. Izzadin Kassam, representing Hamas's real military strength, numbers only approximately 2,000-2,500 fighters. The other forces, like the thousands of police officers experienced in enforcing Hamas rule, are not necessarily trained for combat.

Hamas also has little ability to counter IAF aerial bombardment. The most it can do is launch retaliatory rockets against Israel. While the recent rocket attacks have penetrated deeper into Israel than ever before, the damage caused to human life and property hardly matched Hamas' vows of revenge.

Hamas' past performance in combat against the IDF has also been dismal. A study published by the Washington Institute for Near East Policy following Operation Cast Lead cited the desertion of posts by Hamas fighters, the fighters' lack of combat experience and the disparity of capabilities and intelligence between

Hamas forces and the IDF. In total, five IDF soldiers were killed in combat in Gaza during Operation Cast Lead, versus the 709 terrorists killed by the IDF.

The authors of the study, one a Shin Bet (Israel Security Agency) veteran and the other a former US intelligence analyst, concluded that “Hamas had planned to stand and fight, but the Kassam Brigades proved unequal to the task.”

In addition, Hamas might now be at its weakest. Unlike ISIS in Iraq and Syria, the Taliban in Afghanistan and Pakistan, or Hezbollah in Lebanon, Hamas is confined to a small territory, sandwiched between two opponents – Israel and Abdel Fattah Sisi's Egypt. Egypt is engaged in a war against the Muslim Brotherhood, and considers Hamas to be part of it. As of March this year, Egypt claimed to have destroyed 1,370 smuggling tunnels between its territory and Gaza. The destruction of the tunnels has contributed to a financial crisis for the Hamas government, with the loss of hundreds of millions of dollars in taxes on Egyptian imports. Hamas has also lost the support of the Assad regime in Syria and only recently reestablished ties with Iran.

No, Hamas are not the giants our ancestors imagined awaited them in Canaan. They are men of flesh and blood whom the IDF has proven adept at killing time and again. In the words of Caleb Ben-Yephuneh, the biblical spy who attempted to allay the Israelites' fears, “they are our bread.”

Hamas and the other terrorists of Gaza have nevertheless themselves proven adept at killing our citizens and at expanding their ability to do so. The firing of a rocket some 110 kilometers from Gaza is a reminder of that.

If we yet again leave Hamas and the other terror organizations of Gaza intact, not only will they continue to murder and terrorize us, but there may come a time when Hamas regains its strategic footing, rebuilds its alliances and finds new allies, and poses a much greater threat than it ever has before.

The author is an attorney and a Likud Central Committee member.

The Shabbat ordinance

• By URI REGEV

Shortly after the initial, meteoric success of Shas in the Knesset elections of the '80s, a senior adviser to the party was asked: “When would you be satisfied that Israel is truly a Jewish state?” He responded, “When the police will treat Sabbath offenders [in the public domain] in the same way they treat criminal offenders, I'll know that this is a Jewish state.”

I was reminded of his response when Interior Minister Gideon Sa'ar used his authority to strike out much of the new Tel Aviv municipal ordinance regarding operation of convenience stores on Shabbat.

The municipality complied with the recent Supreme Court ruling, and enacted a new ordinance setting criteria for opening a limited number of convenience stores on the city's main roads and in a number of larger shopping/entertainment compounds on the city's outskirts, away from residential areas.

Like the overwhelming majority of Israeli Jews, I object to turning the Shabbat into a regular weekday and want to safeguard its unique character. We oppose, too, religious coercion and enforcing “blue laws” only to appease the religious political establishment.

There is a fascinating parallel to the alternative approaches to Shabbat within our biblical tradition. In one version of the Ten Commandments we find the “religious” reason for cessation of work on the Sabbath: “For in six days the Lord made the heavens and the earth, the sea and all that is in them, but he rested on the seventh day.” In Exodus we find a “social” reason: “So that your male and female servants may rest, as you do,” basing the commandment on our people's formative experience as an enslaved nation. This is, after all, the

great innovation of Judaism: incorporating faith with a commitment to social justice, or – as Mordecai Kaplan aptly labeled it, promoting a religion of ethical nationhood.

I can only hope that this unique character of Judaism will guide Israel's challenge of remaining a modern “Jewish and democratic state.” Alas, neither Sa'ar nor his fellow cabinet members give any indication that this is the source of their inspiration as they develop their public policy. While few Israelis would feel compelled to observe Shabbat because of its cosmological and creationism basis, most of them resonate with the ethical message.

THE KEY for future legislation must be serious and responsible consideration of Shabbat's social implications, guided by a broader, contemporary understanding of “*oneg shabbat*,” enjoyment of the Sabbath. Besides a policy on store-opening, there should also be a new policy regarding public transportation on Shabbat. Closing down public transportation hurts the most vulnerable and needy groups in society: the elderly, the young, the low-income. Surveys of public opinion have repeatedly shown that the public supports responsible compromises such as limited public transportation along the main routes, rather than turning Shabbat into a regular weekday. But politicians, afraid that the next coalition will need support from the haredi parties, refuse to budge.

We must realize that Israel has changed over the years. We cannot continue to assume the “status quo,” which mostly served politicians by helping them to avoid launching necessary changes and to disregard the wishes of their voters. The Tel Aviv Municipality took a welcome step as it liberalized its store-opening policies. The reaction of Minister

Sa'ar is an unwelcome intrusion. The authority he used, an outdated remnant of the British Mandate, must be rescinded so localities can make decisions that reflect their communities. Clearly, Shabbat in Bnei Brak will be very different than Shabbat in Tel Aviv. In cities like Jerusalem, policy should change by neighborhood; Shabbat in Mea She'arim or Kiryat Moshe should be very different than in the Talpiot industrial zone. City government is a far more appropriate venue for making such decisions than the central government in Jerusalem.

Had Sa'ar pointed to the weaknesses in the new ordinance, and challenged the municipality to come up with satisfying responses, I would have welcomed it. But that is not what he did. While he anchors his decision in part in social justice concerns, it is far from convincing. Not only are these concerns missing from other areas of this cabinet's policies, they lack internal logic and integrity. He writes that he is concerned about unfair competition, but nevertheless approves the opening of commercial compounds which present much greater competition.

Similarly, he writes that he is concerned about employees who would find themselves pressured to work on Shabbat – but just as he outlaws small convenience stores which employ one or two workers, he approves the four commercial compounds which employ many more! He allows convenience stores in gas stations to remain open, but as everyone knows – gas stations within Tel Aviv are a rarity.

On the other hand, he is influenced too much by what he calls “the Jewish component” and the function of Shabbat as a “national symbol.” Shabbat is indeed both, but assuming that entails the elimination of small convenience stores is unwarranted.

I too acknowledge the weaknesses of the new municipal ordinance, which basically intends to legalize the existing scope of stores operating on Shabbat. It hardly attempts to weigh the conflicting considerations and legitimate social and commercial concerns. On the whole, I still view Sa'ar's decision as inappropriate, unbalanced and lacking in the very principles he designates as the basis for his decision. It is no coincidence in my view that both haredi circles and fellow Likud activists saw Sa'ar's decision as motivated by his political aspirations, wishing to appease haredi elements.

We need to go back to the drawing board, expand the scope of discussion in Tel Aviv and elsewhere and involve both workers' unions and business owners' unions in this discussion. Shabbat should not be a launching point for unfair business competition, nor threaten the livelihood and quality of life of small business owners. It should not conflict with the importance of a weekly day of rest for most workers and safeguarding the right to employment of Shabbat observers. These and other considerations call for a new model, different from both the “status quo” and the current “facts on the ground”. It should provide access to convenience stores which offer basic food staples in relevant neighborhoods, without giving undue advantage to the large chains over small family owned and operated stores.

There are solutions to these concerns that would alleviate many of the deficiencies of the new ordinance. And no less importantly – while addressing the Shabbat prohibitions and limitations – let's not forget the need to invest in alternative, contemporary ways to enhance the positive spirit of Shabbat.

The author heads Hiddush, an Israel-Diaspora partnership for religious freedom and equality.